

REMARKS

This Amendment is being filed in response to the Office Action mailed July 6, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

In the Office Action, the specification is objected to under 35 U.S.C. §112, first paragraph, for allegedly not providing support for the invention as is now claimed. In addition, the Amendment filed May 24, 2006 is objected to under 35 U.S.C. §132(a) for allegedly introducing new matter. Further, claims 1-4, 6-10, 12-16 and 18-23 are rejected under 35 U.S.C. §112, first paragraph, for allegedly including new matter. Without agreeing with the Examiner, and to advance prosecution and expedite allowance of the present Application, claims 1, 7, 13 and 22-23 have been amended herein to better define the present invention. The newly added features of independent claims 1, 7 and 13 are fully supported by the specification and the drawings, such as page 17, lines 7-8 and FIG 4. Accordingly, withdrawal of the objection to the specification and previous Amendment, and the rejection of the

claims under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Office Action, claims 1-4, 6-10, 12-16 and 18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0087503 (Judd) in view of U.S. Patent No. 6,192,112 (Rapaport) and U.S. Patent Application Publication No. 2001/0041991 (Segal). Further, claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Judd, Rapaport and Segal in view of U.S. Patent No. 5,832,450 (Myers). Claims 22-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Judd, Rapaport and Segal in view of U.S. Publication No. 2002/0112078 (Yach). It is respectfully submitted that claims 1-4, 6-10, 12-16, and 18-23 are patentable over Judd Rapaport, Segal, Myers and Yach for at least the following reasons.

Judd is directed to a medical imaging system to allow any conventional Internet browser to function as a medical workstation. As recited on page 2, paragraph [0024] of Judd, a primary physician is notified "via e-mail or pager as soon as imaging has been completed." (Emphasis added) Page 4, paragraph [0067] of Judd further recites:

The post engine 28 sends an e-mail notification, via an e-mail server 30 (FIG. 2) to the person submitting the request when the computations are complete. (Emphasis added)

Thus, notification occurs in Judd when imaging or computations are complete.

Rapaport is directed to a system for providing medical information to a patient, where a memory location stores voice mailboxes. As specifically recited on column 28, lines 29-32:

If any data in the mailbox was uploaded by an upload-source, then this change in status of the mailbox is communicated in a report (such as a faxed report) to the appropriate upload-source. As a further consequence, the alert flags for the mailbox are set to Unused and this mailbox is deleted from the account's list of alerted mailboxes. (Emphasis added)

Thus, Rapaport provides communication and sets a flag if data is uploaded.

Segal is directed to a method and system for providing a medical record management service that supports the creating, storing, accessing, updating, and distributing of patient medical records.

Myers is directed to an electronic medical record system that stores data about patient encounters arising from a content

generator in free-form text.

Yach is directed to a system and method of browsing documents is provided that does not require a traditional document browsing application at a client device.

It is respectfully submitted that Judd Rapaport, Segal, Myers, Yach, and combinations thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 7 and 13 which, amongst other patentable elements, requires (illustrative emphasis provided):

for setting a reconsider flag to indicate that new information is available for informing a user of arrival of the new information associated to a study to which the new information corresponds, and for not affecting a status of the reconsider flag if the study is unread.

Setting a flag to indicate that new information is available yet not affecting status of this flag if the study is unread are nowhere taught or suggested in Judd Rapaport, Segal, Myers, Yach, and combinations thereof. Rather, any setting of flags and/or notification in the cited reference occurs when new information are completed and uploaded, even if the study is unread, thus teaching away from the present invention as recited in independent claims 1.

7 and 13.

Accordingly, it is respectfully submitted that independent claims 1, 7 and 13 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-4, 6, 8-10, 12, 14-16 and 18-23 should also be allowed based at least on their dependence from independent claims 1, 7 and 13.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related

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to any fees paid in connection with the accompanying amendment to
Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the
present application is in condition for allowance, and a Notice of
Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101